

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH OTTIS, et al.,)	
)	
Plaintiff,)	8:07CV379
)	
v.)	
)	
FISHER PRICE, et al.,)	ORDER
)	
Defendants.)	
_____)	

On October 8, 2008, Jonathan Lee Riches was ordered to either file a motion for leave to proceed in forma pauperis ("IFP") or pay the required filing fee in order to appeal the court's order denying him leave to intervene in this action. He has failed to either file the required motion for leave to appeal in forma pauperis or pay the \$455.00 filing fee. In addition, the court finds that Jonathan Lee Riches's appeal is frivolous and is not taken in good faith.

In light of this finding, the court will not allow Jonathan Lee Riches to proceed in forma pauperis on appeal. However, he may file a motion pursuant to Fed. R. App. P. 24(a)(5) with the Eighth Circuit and again request leave to proceed IFP on appeal. Accordingly,

IT IS ORDERED that:

1. Petitioner shall not be granted leave to appeal in forma pauperis;
2. The Clerk of the court shall not process the appeal to the Court of Appeals.
3. The Clerk of Court is directed to immediately forward a copy of this Order to the parties and to the Eighth Circuit Court of Appeals in accordance with Fed. R. App. P. 24(a)(4).

4. The Clerk's Office is instructed to mail a copy of this order to Jonathan Lee Riches at his last known address.

DATED this 7th day of November, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge